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Dated: March 3, 2003

Signature: _____

(Thomas M. Palisi)

Docket No.: SPINE 3.0-2658

(PATENT)

#15

Response
S. Byce
3/12/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Castro et al

Application No.: 09/815,504

Filed: March 23, 2001

For: MODULAR IMPLANT FOR FUSING
ADJACENT BONE STRUCTURE

: Group Art Unit: 2658

: Examiner: Stewart, Alvin J.

Commissioner for Patents
Washington, DC 20231

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Technology Center 260

RESPONSE TO ELECTION REQUIREMENT

Dear Sir:

The Examiner issued an Election Requirement, mailed October 2, 2002, requiring an election between the alleged patentably distinct species depicted in Figs. 1 and 2. In addition, it is the Examiner's position that the end caps depicted in Figs. 3A-C, 4A-C, Fig. 6A and Fig. 6B represent separate sub-species.

Applicant respectfully traverses the election of the species; however, Applicant hereby elects to proceed with Species I shown in Fig. 1 of the application. Applicant believes that claims 1, 2 and 4-20 read on Fig. 1.

The Examiner also requires election of one of the alleged sub-species relating to the end caps of the invention. Applicant hereby elects Sub-species D shown in Fig. 4A. Applicant believes that claims 1, 2, 4-8, 10-12, 14, 15 and 20 read on Fig. 4A.

An action on the merits is now respectfully requested. If, for any reason, the Examiner is of the opinion that the

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foregoing action cannot be taken, he is invited to telephone the undersigned at (908) 654-5000 so as to overcome any additional objections he may have. If there are any additional fees to be incurred in connection with this Response, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: March 3, 2003

Respectfully submitted,

By 

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